

REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of December 1, 2005 is respectfully requested.

Claims 17-36, including independent claim 17, were initially submitted on September 22, 2003. In an Office Action dated January 6, 2004, the Examiner rejected claims 17-26, 28, 29, and 31-36 in view of the prior art, but indicated that dependent claims 27 and 30 contain allowable subject matter. An Appeal of the prior art rejections was subsequently filed on July 6, 2004, and an Appeal Brief in support of the appealed claims was filed on September 7, 2004. Thereafter, the Examiner issued the outstanding non-final Office Action of December 1, 2004.

In the outstanding Office Action, the Examiner again issued prior art rejections of claims 17-26, 28, 29, 31 and 32. However, the Examiner did not issue any prior art rejections of dependent claims 27 and 30 (or dependent claims 33-36), although the Examiner also did not again indicate that dependent claims 27 and 30 are allowable. In view of the Examiner's previous indication of allowable subject matter, however, the Applicants assume that the Examiner has maintained his previously-stated position that dependent claims 27 and 30 contain allowable subject matter. Based on the above, the claims have now been amended as indicated herein. For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

As an initial matter, independent claim 17 has now been amended to incorporate *most* of the subject matter recited in allowable dependent claim 30 and intervening claim 29, in view of the Examiner's indication of allowable subject matter contained therein. Furthermore, it is submitted that the prior art of record does not disclose or suggest the optical device as recited in amended independent claim 17. Accordingly, it is respectfully submitted that amended independent claim 17 and the claims that depend therefrom are clearly patentable over the prior art of record.

In addition, allowable dependent claims 27 and 30 have now been placed into independent form including the subject matter of original base independent claim 17 and intervening claims 26 and 29, respectively. Therefore, in view of the Examiner's previous indication of allowable subject

matter, it is respectfully submitted that amended independent claims 27 and 30 are now in condition for allowance.

As noted above, the Examiner did not set forth any prior art rejections of dependent claims 27 and 30 in the outstanding Office Action. Thus, in view of the Examiner's previous indication of the allowability of dependent claims 27 and 30, if the Examiner should now believe that amended independent claims 27 and 30 are not patentable over the prior art of record, it is submitted that the next Office Action should be a further non-final Office Action because any prior art rejections of claims 27 and 30 would be new grounds of rejection not necessitated by the Applicants' amendments.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

Masahiro UEKAWA et al.

By: 

W. Douglas Hahm
Registration No. 44,142
Attorney for Applicants

WDH/gtg
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
February 28, 2005